

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LORENZO PERALTA as Independent
Administrator of the Estates of ELIZABETH
PERALTA-LUNA, Deceased, and ELIZABETH
PERALTA, Deceased,

Plaintiffs,

No. 15 cv 2300

versus

MONSON & SONS, INC., an Iowa Corporation
and ZACHARY BARNGROVER, Individually,

Defendants.

**ORDER APPROVING SETTLEMENT, DISTRIBUTION
AND DISMISSAL WITH PREJUDICE**

THIS CAUSE COMING TO BE HEARD ON Plaintiff's Petition for Approval of Settlement in the amount of \$2,666,666.67, distribution and dismissal. THIS COURT BEING FULLY ADVISED IN THE PREMISES FINDS AND ORDERS AS FOLLOWS:

1. That the Survival Action Claims against Defendants, Monson & Sons, Inc., an Iowa Corporation and Zachary Barngrover, Individually, are dismissed with prejudice and without costs.
2. That the Wrongful Death Act claims against Defendants, Monson & Sons, Inc., an Iowa Corporation and Zachary Barngrover, Individually are settled for \$2,666,666.67 to be paid by and/or on behalf of the Defendants.
3. This Court hereby finds pursuant to the consent forms executed by the heirs of Elizabeth Peralta-Luna, Deceased, and Elizabeth Peralta, Deceased, the total settlement amount of \$2,666,666.67 is fair and reasonable.
4. Pursuant to a fee agreement between the attorneys and the Plaintiff, the attorneys for the Plaintiff, Levin & Perconti and Lawrence Law Firm are entitled to total fees in the amount of \$888,888.89 to be apportioned as follows:

$\frac{1}{3}$ of \$2,666,666.67 = \$888,888.89
Levin & Perconti = \$444,444.45
Lawrence Law Firm = \$444,444.44

5. Pursuant to consent forms executed by the heirs of Elizabeth Peralta-Luna, Deceased, and Elizabeth Peralta, Deceased, said fees are fair, reasonable, and approved.

6. That Levin & Perconti attorneys for the Plaintiff, are entitled to reimbursement of expenses attributable to this lawsuit in the amount of \$43,569.28 which are itemized as follows:

LEVIN & PERCONTI COSTS	\$43,569.28
Records & Reports	\$3,340.10
Travel Out of County	\$2,698.30
Court Reporters & Videographers for Deposition	\$5,843.60
Expert Witness Fees	\$21,961.55
Court Costs	\$637.00
Investigations	\$7,112.73
Filing Fees	\$1,266.00
Publication Fee	\$430.00
Bond Fee	\$160.00
Subpoenas	\$120.00

7. That Lawrence Law Firm attorneys for the Plaintiff, are entitled to reimbursement of expenses attributable to this lawsuit in the amount of \$23,271.53 which are itemized as follows:

LAWRENCE LAW FIRM COSTS	\$23,271.53
Mexico Investigator, Translator and Travel	\$12,581.96
Dr. Cesar Moreno Solis	\$1,800.00
Travel and Lodging for Client Deposition & Meeting	\$8,128.91
Court Reporter	\$760.66

8. This Court hereby finds that after reduction of attorney's fees, and reimbursement of litigation expenses, the net settlement proceeds is \$1,710,936.97 to be apportioned between the Wrongful Death Actions as follows:

DISTRIBUTION	%	AMOUNT
Elizabeth Peralta-Luna	50%	\$ 855,468.49
Elizabeth Peralta	50%	\$ 855,468.48

9. This Court hereby finds pursuant to consent forms executed by the heirs of Elizabeth Peralta-Luna, Deceased, and Elizabeth Peralta, Deceased, the percentages of dependency are as follows:

<u>Heir Name</u>	<u>%</u>
Irinea Peralta-Luna	90.00%
Fernando Peralta-Luna	3.33%
Ingrid Peralta-Luna	3.33%
Eduarda Peralta-Luna	3.33%

10. This Court hereby finds pursuant to consent forms executed by consent forms executed by the heirs of Elizabeth Peralta-Luna, Deceased, the Wrongful Death Act settlement proceeds in the amount of \$855,468.49 is to be apportioned as follows:

HEIR NAMES	%	AMOUNT
Irinea Peralta-Luna	90.00%	\$769,921.65
Fernando Peralta-Luna	3.33%	\$28,515.62
Ingrid Peralta-Luna	3.33%	\$28,515.62
Eduarda Peralta-Luna	3.33%	\$28,515.62
TOTAL		\$855,468.49

11. This Court hereby finds pursuant to consent forms executed by consent forms executed by the heirs of Elizabeth Peralta, Deceased, the Wrongful Death Act settlement proceeds in the amount of \$855,468.48 is to be apportioned as follows:

HEIR NAMES	%	AMOUNT
Irinea Peralta-Luna	90.00%	\$769,921.64
Fernando Peralta-Luna	3.33%	\$28,515.62
Ingrid Peralta-Luna	3.33%	\$28,515.62
Eduarda Peralta-Luna	3.33%	\$28,515.62
TOTAL		\$855,468.48

12. This Court hereby finds pursuant to consent forms executed by the heirs of Elizabeth Peralta-Luna, Deceased, and Elizabeth Peralta, Deceased, the total settlement of \$2,666,666.67 is approved, and is to be allocated as follows:

DISTRIBUTION	AMOUNT
Levin & Perconti Attorney's Fees	\$444,444.45
Lawrence Law Firm Attorney's Fees	\$444,444.44
Levin & Perconti Reimbursement of Litigation Costs	\$43,569.28
Lawrence Law Firm Reimbursement of Litigation Costs	\$23,271.53
Irinea Peralta-Luna	\$1,539,843.28
Fernando Peralta-Luna	\$57,031.23
Ingrid Peralta-Luna	\$57,031.23
Eduarda Peralta-Luna	\$57,031.23
TOTAL	\$2,666,666.67

13. The case against Monson & Sons, Inc., an Iowa Corporation and Zachary Barngrover, Individually, is dismissed with prejudice and without costs.

IT IS THEREFORE ORDERED that the Wrongful Death Act settlement in the amount of

\$2,666,666.67 is approved, the settlement money may be distributed in accordance with this Order and the case against Defendants Monson & Sons, Inc., an Iowa Corporation and Zachary Barngrover, Individually, is dismissed with prejudice and without costs

Daniel H. Martini

ENTER:

12/22/2016

John J. Perconti (jjp@levinperconti.com)
Cari F. Silverman (cfs@levinperconti.com)

LEVIN & PERCONTI

325 North LaSalle Street, Suite 450
Chicago, Illinois 60654
312-332-3872
312-332-3112 (fax)

Larry W. Lawrence, Jr.
LAWRENCE LAW FIRM
3112 Windsor Road, Suite A234
Austin, Texas 78703
956-994-0057